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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,037	07/25/2003	William W. Pradelski	PRA-102US	3347
24314	7590	11/16/2005	EXAMINER	
JANSSON, SHUPE & MUNGER & ANTARAMIAN, LTD			WILSON, LEE D	
245 MAIN STREET			ART UNIT	
RACINE, WI 53403			PAPER NUMBER	
			3723	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/628,037

Applicant(s)

PRADELSKI, WILLIAM W.

Examiner

LEE D. WILSON

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pradelski.

a. Pradelski discloses the claimed invention except for projection welds the size of the various elements (claim 6) and the shape of the spring (claim 7), however projection welds are well known and to use any type of weld in a particular instance would be obvious to one skilled in the art. Further, to size any tool or element thereof is an obvious modification to one skilled in the art as it would involve mere experimentation to determine the optimum size and shapes of the various components of the wrench.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pradelski in view of either Huang or Hansen.

b. Pradelski shows the claimed invention except for the use of a recess in the head to receive both cover plates in order to make them flush with the wrench head. Either Huang or Hansen suggests that a sliding jaw wrench can be provided with recesses in the head to receive cover plates in order to make them sit flush with the head. It would therefore be obvious to one skilled in the art at the

time the invention was made to modify Pradelski by using a recess in the head because either Huang or Hansen suggests the use of such a recess to hold the cover plates.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pradelski in view of MacLean.

c. Pradelski shows the claimed invention except for making one jaw shorter than the other to reduce the amount of material in the jaw.

d. MacLean suggests that a wrench with a sliding jaw can have that jaw shorter than the other and this inherently reduces the amount of material in that jaw. It would therefore be obvious to one skilled in the art at the time the invention was made to modify Pradelski by making one jaw shorter than the other because MacLean suggests the use of such a construction for the purpose of reducing the amount of material in the one jaw.

***Response to Arguments***

5. Applicant's arguments filed 8/31/05 have been fully considered but they are not persuasive.

6. Applicant has amended the claims in order to place them in conditions for allowance.

e. The claims appear to be essentially rejected claims that have been combined. The disclosure and drawings are not really explicit on what the load bearing structure has to be so it is clear anything that is welded is going to meet the claims. Applicant should have provided a more detailed disclosure of this

load bearing structure with drawings if this was going to be relied upon for patentability.

**7. Applicant state that the cover would not serve to transmit loads.**

f. Any attached structure of the tool is going to directly or directly transmit the some of the load especially if it is welded to the body. The claim is clearly written but the argument that a dual function is not shown is not true because of the above.

***Conclusion***

**8. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D. WILSON whose telephone number is 571-272-4499. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HAIL can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ldw

November 14, 2005



**LEE D. WILSON**  
**PRIMARY EXAMINER**